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APPROVED MINUTES

Board of Building Regulations and Standards (BBRS)

Ashburton Café, One Ashburton Place, Boston MA 02108

November 10, 2015 at 1:00 p.m.

1. RC opened the meeting at 1:05 p.m. and then roll call was taken as follows:

Richard Crowley V-Chair (RC)	<input checked="" type="checkbox"/> present	<input type="checkbox"/> absent	Thomas Perry (TP)	<input checked="" type="checkbox"/> present	<input type="checkbox"/> absent
Robert Anderson (RA)	<input checked="" type="checkbox"/> present	<input type="checkbox"/> absent	Jennifer Hoyt (JH)*	<input checked="" type="checkbox"/> present	<input type="checkbox"/> absent
John Couture (JC)	<input checked="" type="checkbox"/> present	<input type="checkbox"/> absent	Michael McDowell (MM)	<input checked="" type="checkbox"/> present	<input type="checkbox"/> absent
Kevin Gallagher (KG)	<input checked="" type="checkbox"/> present	<input type="checkbox"/> absent	Structural Engineer (<i>open slot</i>)	<input type="checkbox"/> present	<input checked="" type="checkbox"/> absent
Jerry Ludwig (JL)	<input checked="" type="checkbox"/> present	<input type="checkbox"/> absent	General Contractor of		
Alexander "Sandy" MacLeod (SM)	<input checked="" type="checkbox"/> present	<input type="checkbox"/> absent	Commercial Buildings (<i>open slot</i>)	<input type="checkbox"/> present	<input checked="" type="checkbox"/> absent

- * Jacob Nunnemacher (JN) participated as designee for JH until 3:27 PM.
- * Steven Rourke (SR) participated as designee for JH from 3:27 PM through adjournment of the meeting.

ALSO IN ATTENDANCE (DPS staff and committee members. Others in attendance listed in attached Audience Sign-In Sheet):

- o Matt Carlin ("MC"), Commissioner of DPS;
- o Deirdre Hosler ("DH1"), Deputy General Counsel;
- o Felix Zemel ("FZ"), Technical Director;
- o Jeffrey Putnam ("JP"), State Building Inspector;
- o Robert "Bob" Carasitti ("BC"), Chair of Fire Prevention Fire Protection Committee

RC noted that a Structural Engineer member has been appointed, and she will join the BBRS at the December meeting.

General notes on format:

- o Votes are noted as **Motion** by, Second by, and whether the vote was unanimous or split (if split, will list the vote in the order of: yea, nay, and abstain).
- o The November 10, 2015 Agenda is listed as **Exhibit A**; others are listed sequentially as addressed during the meeting.

2. The October 13, 2015 meeting minutes (**Exhibit B**) were reviewed.

MOTION by MM to accept the minutes of the October 13, 2015 BBRS meeting, following any edits submitted by JN. **SECOND** by TP.

DISCUSSION: JN noted that he has some clerical edits, which he will provide to BBRS staff following the meeting of the BBRS. KG noted kudos to FZ on his exhaustive work to put together the minutes for the exhaustive October meeting. RC agreed. RA noted that this was also the first day of employment for FZ.

VOTE Unanimous

3. **Review of 780 CMR 9th Edition topics and schedule.** FZ noted that he has a presentation for the BBRS members, in order to provide staff comments (**Exhibit C**). RC explained that the votes from October 13, 2015 were already uploaded to the Flip Drive, and are already available for discussion and review for the BCCC. Changes from today will be added to the Flip Drive prior to the BCCC protocol-mandated deadline of Thursday, November 12, 2015.

- a. **Sections 101.1 Adoption and Title.** FZ asked that the Base Code and Residential Code provisions for this section be discussed in this item. FZ explained that the proposed change is to include errata in the adoption of the IBC and IRC, and that these do not include substantive changes; just errors in references, code sections, and grammar. This would not include a technical change. FZ explained that if this were not adopted, each of the errata would need to be adopted as an amendment. RA explained that errata have already been issued for the 2015 I-codes.

JN wanted confirmation that this would not include a technical change; specifically concerned about changes in antifreeze in sprinklers. FZ said that a change, like the antifreeze item, would not be included. JL wanted to confirm that errata goes back to the initial printing. JN wanted to know if we would be notified of any errata that are issued. FZ said that a link can be posted on the website. JN asked if an automatic notification would be issued to building officials. RA said that this can be done through Constant Contact. Dorothy Harris (DH2) explained that the errata are incorporated into the additional printings of the applicable codes, but that the list is posted on their website from the first printing through the most current printing of the applicable codes.

MOTION by MM to adopt the proposed language, for the applicable sections, in both the Base Code and Residential Code.

SECOND by SM.

VOTE: unanimous

- b. **Section 101.4.2 Mechanical Systems.** FZ explained that these are just grammatical changes; nothing technical.

MOTION by MM to adopt the proposed language. **SECOND** by TP.

VOTE: unanimous

- c. **Section 101.4.13 Transit and Commuter Rail Stations.** FZ explained that this is formalizing a practice into official code. He explained that this was a request from the MBTA and the wording was developed in collaboration with State Building Inspector Anthony Majuri. This has been enforced for close to a decade, but there were never any teeth. This item is to deal with the specific stations, and not the horizontal construction – which is regulated by the MBTA and MassDOT. Historically, NFPA 130 has been adopted as a referenced standard, but was never actually added into the body of the code. There are many differences between the NFPA Standard and the relevant 780 CMR sections. If following strict 780 CMR, the occupant load calculations are very different, and too restrictive. FZ noted that the language removes references to NFPA 101 and NFPA 220, and refers the reader back to 780 CMR. FZ noted that conflicts between virgin 780 CMR and NFPA 130 will give preference to NFPA 130. This standard would make it possible to require materials of a certain quality for building of the stations and an approach that is more directed to the actual use of the space than the general requirements of the code.

MOTION by MM to adopt the proposed language. **SECOND** by TP.

DISCUSSION: KG asked what this specifically addresses. FZ explained that this addressed Chapters two through five. He also reiterated that this just deals with the stations, and not horizontal construction. SM concerned about adopting a standard that the BBRS has not reviewed. RA explained that this is not a change in practice, but is more transferring practice into code. Adding this into code makes it clear as to the expected practices. FZ explained that this was a request from the MBTA and State Building Inspector, and that it came about on short notice. He noted that the standard is available for BBRS review, if they would like. SM said that he has a lot of respect for Inspector Majuri, and feels comfortable with the wording if Inspector Majuri is comfortable with the wording.

VOTE: unanimous

- d. **Section 105.3.1 Action on Application (both Base Code and Residential).** FZ explained that previous editions of 780 CMR included the requirement of having an HIC prior to receiving a permit for residential contracting work. This is not currently in the 8th Edition, and current draft 9th Edition. OCABR has requested that we include this into 780 CMR, if possible, as cross-agency collaboration.

MOTION by TP to adopt the language, as proposed. **SECOND** by JC.

DISCUSSION: RA said that this was a remnant of the stripping of HIC out of the move to OCABR. This change has resulted in difficulty for building officials to enforce the HIC provisions of the law. Placing this back in again formalizes practice, and turns it into code; giving building officials more teeth to enforcing existing practice. MM feels that the HIC is a redundancy in licensing. He feels that this should be a referenced standard, not given any credibility in 780 CMR. He feels that this has no place to be mixed into the building code. RA explained that the General Law already mixes the two by requiring registration for residential contracting work. The person who is able to confirm compliance with the General Law is the Building Official. Not having this section makes it difficult for the Building Official to do his/her job. TP gave a brief history as to why the HIC law came into effect. JC felt that this provision is needed, and that the separation of this from 780 CMR was bad. DH1 asked that the two departments cooperate, and coordinate, as is the intent and requirement of EO562.

VOTE: 8 in favor (JC, SM, RA, JL, KG, RC, JN, TP); 1 opposed (MM)

- e. **Chapter 2 Definitions.** FZ explained that this is to add a new definition for “transformer vault”. He also explained that recent revelations recommend removal of the term “underground” from the definition. FZ also explained that this definition comes from OSHA definition. FZ explained that this is as a result of work by the Transformer Vault Study Group; where other sections of the code will reference transformer vaults, and this definition is needed in order to direct people what is meant by a transformer vault.

MOTION by TP to adopt the language, and proposed, with the removal of “underground”. **SECOND** by JC.

DISCUSSION: JN concerned about conflicts with the Electrical Code. RA explained that this is not in conflict with the electrical code. KG wanted confirmation that one death resulted in the study, which resulted in a code change. FZ responded that one death resulted in a Session Law by the Legislature, which resulted in proposed code changes. JL very concerned that this language is too broad. SM asked if it can be applied to switchgear rooms, and even electrical rooms and network communications rooms. FZ recommended developing and FAQ in order to better elucidate the BBRS’ intent with this language.

AMENDED MOTION by TP to include the development of FAQs to be released at the same time as the Code.

SECOND by SM.

VOTE: 8 in favor (JC, SM, RA, JL, KG, RC, JN, TP); 1 opposed (MM)

- f. **Chapter 2 Definitions.** FZ explained that a definition is needed for “State Building Inspector”. This section is to align the Code definition with the statutory language.

MOTION by KG to adopt the definition, as proposed. **SECOND** by TP.

VOTE: Unanimous

- g. **Section 427.13 Non-flammable and Non-combustible Hazardous Materials.** FZ explained that the FPDF presentation at the October, 2015 meeting did not properly describe the DFS request. BC explained that FPDF recommended keeping the original Draft language, carried forward from the 8th Edition. BC explained that reviewing of the 527 CMR language would require too much work to comply with timeframes, and that FPDF voted to carry the language forward.

MOTION by SM to restore the language to the original wording, as carried forward from the 8th Edition, including Table 427.13.

SECOND by MM.

VOTE: 7 in favor (JC, SM, RA, JL, RC, TP, MM); 2 opposed (JN, KG).

- h. **Section 907.2.9.1, Exception 2 Manual Pull Stations.** FZ explained that the exception allows for no fire alarm boxes, in certain applications, for NFPA 13 and NFPA 13R systems. The proposed change allows for the exception to apply to structures constructed under NFPA 13D. BC explained that this is an issue because 780 CMR allows NFPA 13D systems in a broader application than the virgin IBC. This was discovered as a result of a recent review of 3 family structures.

MOTION by SM to adopt the change, as proposed. **SECOND** by MM.

DISCUSSION: TP wanted to confirm that this was only applicable to 3 family structures. BC confirmed that.

VOTE: Unanimous

- i. **Section 1010.1.9.11, Exception 3 Stairway Doors.** FZ explained that this was also as part of the 3-family review. FZ described the proposed change. BC that this is an ICC problem, regarding 3-family front and back stairs. Following virgin I-codes, people living in 3-family homes would not be allowed to lock their front or back doors.

MOTION by SM to approve the change, as proposed. **SECOND** by JC.

DISCUSSION: KG questioned the process for reviewing and approving these code changes. He asked if these staff recommendations are linked to votes from last month, or new items. FZ explained that the only one linked to last month was Section 427.13. FZ explained that these are a result of items brought forth from Technical Advisory Committee members, staffs' own review, and comments from sister agencies. KG feels that interested parties should be brought in. DH1 said that public weighs in through the public hearing process. As long as the agenda was sufficient for the open meeting, they Board can make decisions. KG asked that DH1 confirm that the BBRS is on solid footing to make these changes. DH1 said that the BBRS is on solid footing because there are no formal protocols or procedures restricting process.

JN concerned that this is a new requirement that would require fire departments to break through doors instead of using a central door release. BC explained that this was just added in either 2003 or 2006 versions of the IBC, and did not exist prior to that. He also explained that adding this brings the code back to the 6th Edition of 780 CMR, and makes more sense than the current language, for 3-families. JN also noted a grammatical error.

VOTE: Unanimous

- j. **Section 1010.1.10 Panic and fire exit hardware.** FZ explained that this is from the Transformer Vault Study Group, and would require panic hardware in transformer vaults.

MOTION by MM to adopt the change, as proposed. **SECOND** by TP.

DISCUSSION: SM concerned about the definition being too vague. FZ explained that this will be addressed in the FAQ of the definition. JN felt that transformer vaults should be as a special use and occupancy in Chapter 4. FZ explained that Transformer Vaults are only in three provisions, plus the sprinkler requirements. RA explained that the applicability is so small that it does not appear to make a difference. SM asked about the membership of the Transformer Vault Study Group. RA explained the membership, and history of the process. SM felt that a Boston representative should be included in discussions; specifically because they are looking at sprinklering 3rd story or above. KG wanted to know if the current, and following proposal adds cost to construction. RA confirmed that this does add a cost to construction (*please see note in item 3e, above regarding source of these draft code changes*),

VOTE: Unanimous.

- k. **Section 1013.1.1, Item 2 Transformer Vaults.** FZ explained that this would require compliance with either emergency lighting or luminous egress path markings in transformer vaults.

MOTION by MM to adopt the changes, as proposed. **SECOND** by TP.

VOTE: Unanimous.

- l. **Section 1301.1 Criteria.** FZ explained that the energy changes are as a result of an emergency meeting of the Energy Advisory Committee. This specific section adds “2015” to clarify the version of the IECC to be used.

MOTION by SM to adopt change, as proposed. **SECOND** by TP.

VOTE: Unanimous.

- m. **Section 13:C401.2, Item 1 Application.** FZ explained that this change is with reference to adding a future discussion of Section C406.1. FZ recommended moving on to C406.1, out of turn, before discussing this issue. Voice call noted that no opposition was present from other members. **Discussion of Section 13: C406.1 Additional Efficiency Package Options.** FZ explained that if required to comply with two of the options, utility providers would have strong difficulty convincing people to utilize incentives, if designed using ASHRAE 90.1 as a standard. ASHRAE 90.1 already is an equivalent standard to the virgin requirement of one item. FZ explained that changing the requirement to one item, plus improved lighting density, when using ASHRAE 90.1 would meet the same intent of requiring two items for other than ASHRAE 90.1 designed structures. Ian Finlayson (IF), from DOER, reaffirmed this description.

MOTION by SM to approve the change, as proposed. **SECOND** by TP.

DISCUSSION: JN asked if an FAQ is better in this provision. RA explained that this makes it abundantly clear as to the intent, but an FAQ can also be helpful.

VOTE: 8 in favor (SM, RA, JL, KG, RC, JN, MM, TP); 1 opposed (JC).

- n. **Section 13:C401.2, Item 1 Application.** In light of previous vote, this would bring attention to the applicability items relating to modifications to ASHRAE 90.1.

MOTION by MM to approve change, as proposed. **SECOND** by TP.

VOTE: Unanimous.

- o. **Section 13:C402.6.** FZ explained that this brings in approved calculation software tools, as existed in 8th Edition.

MOTION by MM to approved change, as proposed. **SECOND** by SM

VOTE: Unanimous

- p. **Section 13:C407.6.1.1 Approved alternative energy performance methods.** FZ explained that this is being brought forward from the 8th Edition. FZ explained the current software, and also noted DOER

request to reference ENERGY STAR Homes 3.1 as an option. IF noted that this mirrors 8th Edition language, and requested that this be explicitly listed, similar to the Residential Requirements, which includes use of tradeoffs, instead of HERS rating alone. This allows tradeoff for renewables installation.

MOTION by MM to approve the change, as proposed, with the addition of residential language of ENERGY STAR Homes v. 3.1 as item 3, and *approved* software as number 4.

SECOND by TP.

DISCUSSION: KG asked if this was reviewed by anybody other than FZ and IF. FZ responded that this came from members of the EAC and that those who came to the meeting were in full support of these changes. FZ noted that this was a discussion because there was not a quorum due to a variety of reasons. RA noted that advisory committee membership will be discussed later during the meeting.

VOTE: 8 in favor (SM, RA, JL, KG, RC, JN, MM, TP); 1 opposed (JC).

- q. **Section 13:C406.6.1.2 Documentation.** FZ explained that this brings items forward from the 8th Edition regarding documentation of compliance with approved software.

MOTION by MM to approve language, as proposed. **SECOND** by TP.

VOTE: 8 in favor (SM, RA, JL, KG, RC, JN, MM, TP); 1 opposed (JC).

- r. **Discussion of Sections 1403.5, Exception 4 and 1407.10.4** tabled for further discussion following a review by the FPDF Committee. This item was not clearly listed on the agenda, and FZ recommended moving this to FPDF for review. FZ explained that this was as a result of comments from the chair of the EAC.

MOTION by KG to remove these items from discussion, and to revisit it following review by the FPDF Committee.

SECOND by JN.

VOTE: Unanimous.

- s. **Table 1806.2a, Item 6 Presumptive allowable vertical bearing pressures.** FZ explained that the GAC chair noted the symbol in the current draft was never changes to the recommended value of 1/3.

MOTION by KG to approve the change, as proposed. **SECOND** by JN.

VOTE: Unanimous.

- t. **Section 1801.3.3.1.** FZ noted that this comment was from the GAC Committee chair, and that the GAC Committee felt that use of ASTM D4945 should be permitted, by right, instead of requiring Building Official review. This expedites the process, and reduces the burden on Building Officials.

MOTION by TP to approve the change, as proposed. **SECOND** by SM.

VOTE: Unanimous.

- u. **Section 2603.5.5, Exception 2.1 Vertical and lateral fire propagation.** FZ explained that this item was also one of the items presented by the EAC Committee chair, but that this was more clarification of adding language into the subsection to match the language in the parent section. This was more for clarification than anything else.

MOTION by MM to approve change, as proposed. **SECOND** by TP.

VOTE: Unanimous.

- v. **Section 2603.5.5, Exception 5 Vertical and lateral fire propagation.** KG recommended that this item be brought forward to FPDF. FZ agreed that this would be reasonable.

MOTION by KG to remove this item from discussion, and revisit it following review by the FPPF Committee.

SECOND by JC.

VOTE: Unanimous.

- w. **Chapter 35 Referenced Standards.** FZ explained that this is clean-up in that the number and standards should match, as well as adding the titles of each standard.

MOTION by KG to approve the changes, as proposed. **SECOND** by JL.

DISCUSSION: JN requested that NFPA 400 be added to the list, as that is the proper code, and that referenced to NFPA 430 be changed to NFPA 400 throughout the Code.

MOTION by KG to revise original motion in order to incorporate the comment by JN. **SECOND** by JN.

VOTE: Unanimous.

- x. **Section 54:R302.2, R302.13, and R309.5.** FZ explained that these sections only reference NFPA 13D, but that NFPA 13 and 13R may be applicable, in certain circumstances. Recommended adding in NFPA 13 and 13R into the relevant sections of code.

MOTION by JN to adopt changes, as proposed. **SECOND** by KG.

VOTE: Unanimous

- y. **Section 110.R1.4 CTL Registration.** FZ explained that permitting a longer registration period would result in many technical difficulties with fee schedules, which results in a recommendation to move back to original annual registration.

MOTION by MM to approve change, as proposed. **SECOND** by TP.

VOTE: Unanimous

- z. **Section 110.R1.5.3 CTL Personnel.** FZ explained the need to change for Lab Supervisors from Level 1 to Level 2 for ACI Concrete Laboratory Testing technician Level 2 and ACI Aggregate Testing Technician Level 2. FZ explained the difference in examination and licensing requirements for the different levels. FZ explained that it may be more prudent to have a supervisor have a higher level of licensure. FZ also recommended that the upgraded licensure should be updated prior to the next renewal, following promulgation of the code.

MOTION by MM to adopt the changes, as proposed, with the addition that licensure must be updated prior to the next renewal of Lab Registration, as recommended by staff.

SECOND by TP.

VOTE: Unanimous

- aa. **Section 54: Table R302.6 Garage-Fire Separation.** FZ explained that this change is one of the items that was not considered when removing sprinklers from 1- and 2-family homes. Prior to the requirement of sprinklers in the Virgin IRC, 5/8-inch Type X Gypsum Board was required for all separations from the garage. The proposed language adds a new column to the existing table in order to require 5/8-inch Type X Gypsum board in residential applications without sprinklers. FZ noted that this was brought to his attention at a recent meeting of the MetroWest Building Officials Association (MWBOA), when discussing significant changes between the 2009 and 2015 I-Codes.

MOTION by SM to adopt the recommended change, as proposed by staff. **SECOND** by TP.

DISCUSSION: KG asked if other BO groups identified any significant items that needed to be updated in the Code. FZ said that he hadn't heard any, but that he will keep the BBRS up-to-date if any arise. KG asked Tin Htway (TH), Vice President of MWBOA, if the association would be willing to review the code for further items. TH said that he would ask the membership to do so. MM noted that the virgin provision

has been in the 8th Edition, and proposed in the 9th Edition, and that homebuilders have become accustomed to the current language and practice; and that he would prefer to leave the language unamended.

VOTE: 8 in favor (JC, SM, RA, JL, KG, RC, JN, TP); 1 opposed (MM)

- bb. Section 110.R5.2.8 Basis for enforcement on CSL.** FZ presented this item as another example of collaboration with OCABR with regard to effective integration of the HIC program. FZ explained that this proposed new section will make an HIC violation also a violation against the CSL.

MOTION by TP to approve the proposed amendment for discussion. **SECOND** by JL.

DISCUSSION: JC is very concerned about this language, as are MM and SM. JC concern is that a CSL supervising the job may be held liable for a permit that he did not pull. TP said that this connects two totally different items: a building license with a consumer protection registration. FZ explained that the rationale is the “good moral character” provision of the MA CSL definition. This said that somebody who is both a CSL and HIC may be held liable on their CSL for an HIC violation. RA explained the history of the “good moral character” provision, and its root in the Architectural registration laws. This is a request from OCA because of the instances that they have where people violate the contractual requirements, but not necessarily be a violation of the building code. This is aimed at people who grossly violated HIC violations to be brought before a hearing of the BBRS. DH1 recommended that this be reworded. The intent is if a person is duly-licensed/permitted, this solves a problem in CSL hearings where an HIC complaint is brought up as part of a CSL hearing, the Hearing Officer cannot accept the HIC violation as evidence in the CSL hearing. She explained that the intent is not to cause the concern JC brought up. DH1 recommended amending the language, to correct it in a way that meets the concerns of the board members. MM expressed his concern about the HIC program, and that he feels that it should not receive any formal recognition in the Code. MM recommended that connecting the two programs should result in calls to RA to field them. DH1 explained that if there already exists an adjudication of an HIC violation that that may be discussed and considered during a CSL adjudicatory hearing. JC recommended wording that a violation of 142 can be used as a consideration in the revocation of a CSL during disciplinary action. DH1 recommended saying something like “revocation of an HIC by OCA, can be a consideration during a disciplinary hearing against a CSL”.

AMENDED MOTION by JC to adopt the new Item 10 with language similar to that proposed by DH1.

SECOND by TP.

DISCUSSION: KG asked if the HIC regulations will include similar references to the Building Code, as well. RA said that he is not sure about it.

VOTE: 8 in favor (JC, SM, RA, JL, KG, RC, JN, TP); 1 opposed (MM)

- cc. Section 110.R5.2.9.1 Complaints.** FZ explained that this section permits OCA staff to specifically be permitted to file a complaint, in addition to those already listed.

MOTION by JC to approve the language, as proposed. **SECOND** by JL.

DISCUSSION: DH1 noted that this language is not necessary, as the regulation already lists “any person”, which would already include OCABR staff. FZ noted that this makes it very clear, where OCA felt that they may not have standing. DH1 said that this may be true, if the BBRS would like to call out specific people, that that is fine. Paul Moriarty (PM) asked about the reason of three (3) years for filing a CSL complaint. DH1 said that she doesn’t know the exact reason, but that it appears to mirror the typical statute of limitation to file items in court. SM asked why “any person” is given standing for a complaint against a CSL; and not just the BO and the person with whom the CSL is contracting. MM noted that this is because the CSL is an easy target. RC noted that he has not seen any people, other than the BO and the person with whom the CSL is contracted filing complaints against the CSL during his six years on the board. KG confirmed RC comment.

VOTE: 8 in favor (JC, SM, RA, JL, KG, RC, JN, TP); 1 opposed (MM)

RC noted that these items will now be included in the BCCC filing, and if they pass through the promulgation process, will become part of the 9th Edition.

- 4. Review of Executive Order (EO) 562 Process.** RA presented the process toward promulgation of the 9th Edition, through the EO 562 process. RA said that the code must go through the EO 562 process, along with all other codes. RA noted that the proposed 9th Edition is being discussed at the BCCC. Hopefully this will result in a positive vote from the BCCC (regarding conflict and duplication), followed by a public hearing to review the entire content of the code. If successful approval at BCCC, then public hearing would probably be the first available date for public hearing, and then a reasonable period of time for public comment. DH1 added that we also need EOPSS and A&F approval. She explained that the public hearing date depends on the time taken to complete EOPSS and A&F filings.

FZ asked the board if they would like to hold concurrent meeting with the BCCC in order to address any conflicts / duplication, in order to complete the BCCC process in one meeting. SR and DH1 concerned about implications due to Open Meeting Law. Board decided to not hold this meeting, but to possibly schedule a BBRS meeting shortly after the BCCC in order to discuss any items, if the need arises.

The BBRS discussed possibility of concurrency and/or future effective date. DH1 noted that this is not legal, per Secretary of State's office. They are the ones who decide if future effective date will be permitted. SM noted that concurrency occurred in the past, and there were not problems. RA noted that the board did not previously know about this requirement, but once knowledge is gained, the Board must comply with the laws. John Nunnari (JN) noted that one month through the BCCC is not practical, as it took six (6) months to pass the 8th Edition through the BCCC. He also noted that his constituency (architects) has been notified that there will be no concurrency period for this code, and agreed with SM that many appeals for variances may be filed as a result. Tamara Small (TS) noted that her membership (commercial real estate) is concerned about the lack of a concurrency period. Wants to make sure that there is some period is given. RC said that he would like the a six-month implementation date from promulgation to effective date.

5. Discuss Technical Advisory Committee Update.

KG requested, through the Chair, if Agenda Item number 10 could be taken out of order, due to family commitments of some BBRS members. RC permitted taking this item out of order. FZ presented the proposed Draft Technical Advisory Committee makeup to the Board (**Exhibit D**). He explained that this was as a directive of the BBRS at their October meeting. FZ described the proposed FFPF, EAC, Chapter 34, and the rationale for creation of a proposed Property Maintenance advisory committee. SM felt that Property Maintenance Advisory Committee is not necessary. FZ explained that this is an attempt to coordinate between DPS and DPH, and eliminate the long-standing conflicts between 780 CMR and 105 CMR 410. FZ also explained that this addresses commercial and residential property, and that the ICC has a model code that is not in conflict with the other I-codes. SM concerned about enforcement. FZ explained that this would be the Property Maintenance Advisory Committee's task. RC explained that FZ is working with DPH staff about adopting the IPMC, which would need to be heavily front-end amended. Current DPH code refers to the 6th Edition of 780 CMR. SM noted that an architect should be represented on each of the Technical Advisory Committees. RC noted that this is exactly the point of this discussion.

TP and JC noted that EAC and FFPF committees have no Building Official representatives, which they would like added. KG noted that he would like a representative of FCAM on the FFPF Committee. KG noted that FFPF has had representation of FCAM since its inception. KG noted that BC may wish to confirm that the Fire Chief designee has historically had significant impact on discussions of the FFPF committee. KG strongly urged changing the FPAM designee to the FCAM designee on the draft FFPF Committee. KG also asked about an academia representative. FZ explained that this is in order to be up-to-date with the current trends and research in Fire Protection and Fire Prevention. FZ explained that this is in order to incorporate evidence-based research in order to have informed policymaking. SM said that he feels that a representative of academia in the Technical Advisory Committees. KG said that he sees the validity in local Building Official, Architect, and Fire Chief on

the committees. DH1 recommended that individual board members email FZ their individual concerns about the proposed committee make-up, so as to not violate the Open Meeting Law.

TP and JC recommended tabling further discussion until the December meeting, in order to let board members digest these, and come up with recommendations. RC noted that this is a perfect time to revisit the committees, as the Board is wrapping up the 9th Edition, and will soon begin discussing the 10th Edition of the Code. RC said to add this item for further discussion at the December 2015 meeting.

Note: SR replaced JN as the DFS designee following completion of discussion of Technical Advisory Committees.

6. Status update or review and/or approval of action items from previous meetings:

- a. RC noted that he will be tabling edits to the May 13, 2014 White Paper on the cost effectiveness of building code requirements in 3- to 6-unit residential buildings until after January, 2016.
- b. Discussion of the DPS training on window replacement in commercial buildings was placed on hold.
- c. Review of enforcement of M.G.L. c. 148, Sec. 26G was placed on hold.

7. Considerations by the Board.

- a. **MOTION** by TP to approve 95 new CSLs issued during the month of September, 2015. **SECOND** by SM. **VOTE:** Unanimous
- b. **MOTION** by SM to approve the reinstatement of one (1) CSL for medical reasons. **SECOND** by MM. **VOTE:** Unanimous
- c. **MOTION** by SM to approve the ability to re-examine for potential reinstatement of a CSL for Gary Cato. **SECOND** by JC. **DISCUSSION:** JC noted that, based upon the documentation received in support of this application, this individual appears to have gone through a lot in recent years, and deserves the right to re-examine and try to get his life back in order. **VOTE:** Unanimous.

8. Review and approval of actions contained in the BOCC meeting minutes from October 6, 2015 (**Exhibit E**).

MOTION by TP to approve the actions of the BOCC from their October 6, 2015 meeting. **SECOND** by JC. **VOTE:** Unanimous

9. Review of open web joists conforming to ICC ESR 2999. KG noted that this item should be tabled because he has not received any information, as of yet.

10. Review of draft interpretation relating to insulation values in existing buildings, with no other work performed. FZ explained that Tom Riley developed this draft interpretation, following the recommendations of the BBRS at their October 13, meeting (**Exhibit F**). FZ explained that this states that no building permit is needed when performing strictly upgrading of attic insulation, where no other building permissible work is being performed. SM wanted confirmation that this was just for attics, and not for walls and other insulation upgrades. FZ confirmed that if any sheetrock or other materials are touched, then a building permit is needed. FZ said that this was explicitly just for attic insulation upgrades in existing buildings where the insulation is sub-par, and any upgrade will be better than what is existing.

MOTION by SM to approve the draft interpretation, as submitted. **SECOND** by JC. **VOTE:** Unanimous.

11. Discuss BBRS/DPS Staff update. RA explained that he will be stepping down as the Chief of Inspections for Buildings, and will be taking over a new role as Executive Director for Construction Codes Education. RA explained that he will remain as the designee of the new Chief, Nick Riccio, as the BBRS Administrator. He explained that Nick Riccio will be starting the following Monday.

12. Discuss other matters not reasonably anticipated 2 business days in advance of the meeting. None provided.

13. PUBLIC HEARING OF THE BOARD OF BUILDING REGULATIONS AND STANDARDS TO CONSIDER CHANGES TO 780 CMR (THE STATE BUILDING CODE) AS REQUIRED BY MGL C. 143, SEC. 97.

MOTION by MM to open the Public Hearing, in accordance with M.G.L. c. 143 §97. **SECOND** by TP. **VOTE:** Unanimous

DH1 noted that no change petitions have been filed for code changes, so no hearing is technically necessary. SR noted that it should probably be opened, and closed, either way.

MOTION by MM to close the Public Hearing. **SECOND** by JC. **VOTE:** Unanimous.

14. Approve adjourning the meeting. **MOTION** by SM to adjourn the meeting. **SECOND** by RC. **VOTE:** Unanimous

Meeting adjourned

EXHIBITS:

- A. BBRS Meeting agenda 11-10-2015
- B. BBRS Meeting Minutes 10-13-2015 (*Approved as amended*)
- C. FZ PowerPoint presentation re: staff comments, presented at meeting.
- D. DRAFT updated Technical Advisory Committee composition.
- E. Meeting minutes from the BOCC October 6, 2015 meeting.
- F. DRAFT interpretation relating to insulation values in existing buildings.
- G. Audience sign-in sheet of those in attendance at the 11-10-2015 BBRS monthly meeting.